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FYI

From: Russo, Rebecca
Sent: Monday, October 19, 2015 8:30 AM
To: R8 GKM Leadership Team
Cc: Rathbone, Colleen; Jenkins, Joy
Subject: Fwd: From E&E Daily -- WATER POLLUTION: Panel takes up good Samaritan mine cleanups

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WATER POLLUTION:

Panel takes up good Samaritan mine cleanups

Manuel Quiñones, E&E reporter

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House Republicans this week are weighing options for encouraging good Samaritan groups to help clean up abandoned mine sites around the country.

The issue of abandoned mines rose to prominence after the recent spill at the Gold King site in Colorado. U.S. EPA and a contractor caused a wastewater blowout while trying to study draining the long-idle mine.

This week's hearing of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment on abandoned mines and good Samaritan cleanups is the panel's first on the issue since 2006.

In 2013, Colorado Democratic Sen. Michael Bennet, Rep. Scott Tipton (R-Colo.) and then-Sen. Mark Udall (D-Colo.) introduced legislation meant to help protect good Samaritans from liability concerns (*E&E Daily*, Aug. 2, 2013).

Udall, who is no longer in the Senate, persuaded EPA to release a memo in 2012 clarifying good Samaritan liability issues under the Superfund law. But environmental advocates said it wasn't enough (*E&ENews PM*, Dec. 12, 2012).

Tipton and Bennet say they are working on new language. So are staffers for the House Natural Resources Committee, including creating a foundation for aiding cleanups. Senate Environment and Public Works Chairman James Inhofe (R-Okla.) has also expressed support for good Samaritan

legislation.

In the House, the T&I panel's input will be critical because of its jurisdiction over Clean Water Act issues. Panel leaders say they want to educate members about the topic for potential action.

With legislation still forthcoming, this week's hearing will be the first major discussion of good Samaritan abandoned mine cleanups on Capitol Hill in months. The issue also came up during a recent string of hearings on the EPA spill.

The National Mining Association wants companies to count as good Samaritans. But skeptics of that option, including Sen. Barbara Boxer (D-Calif.), have expressed concern about the prospect of mining companies profiting from protections and the prospect of creating more pollution.

Boxer and her allies, who have helped block good Samaritan legislation in the past, and environmental groups like Earthworks would rather see broader mining reform, including asking current mining companies to pay a reclamation fee for the dirty legacy of past resource extraction.

Arizona Rep. Raúl Grijalva, top Democrat on the House Natural Resources Committee, has introduced such reform legislation. New Mexico Democratic Sens. Tom Udall and Martin Heinrich plan to introduce language in the coming weeks.

Another sticking point is whether to include coal in good Samaritan legislation. Mining companies already pay a fee for abandoned mine cleanups, but coal field advocates say groups could also use liability protections.

Even with backing from members on both sides of the aisle and bipartisan interest groups like Trout Unlimited, the prospect of good Samaritan legislation is far from assured.

Backers have touted the need for any legislation to be bipartisan. But sources say the product of ongoing talks may be separate competing Democratic and Republican bills.

Schedule: The hearing is Wednesday, Oct. 21, at 10 a.m. in 2167 Rayburn.

Witnesses: Mathy Stanislaus, assistant administrator for EPA's Office of Solid Waste and Emergency Response; Doug Young, senior policy director for the Keystone Policy Center; Eric Cavazza, head of the Pennsylvania Department of Environmental Protection's abandoned mine reclamation office; Luke Russell, external affairs vice president for Hecla Mining Co.; Chris Wood, president of Trout Unlimited; and Lauren Pagel, policy director for Earthworks.

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